

Notice of Allowability

Application No.

09/514,053

Examiner

Robert W. Morgan

Applicant(s)

HARRIS, SCOTT C.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Board of Patent Appeals and Interference Decision mailed on 1/31/06. amdt 2/26/03

2. ☒ The allowed claim(s) is/are 2, 3, 5, and 8-18.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.

(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____

4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material


5. ☐ Notice of Informal Patent Application (PTO-152)

6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____

7. ☐ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____


JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER

DETAILED ACTION

Response to BPAI Decision

In the decision by the Board of Patent Appeals and Interferences (BPAI) mailed 1/31/06, the rejections of claims 2, 3, 5, and 8-18 were reversed. The following action is a response to the decision rendered by the Board of Patent Appeals and Interferences (BPAI) mailed 1/31/06.

Claims 2, 3, 5, and 8-18 are pending in the application and are allowed.

Allowable Subject Matter

Claims 2, 3, 5, and 8-18 are allowed. The following is an examiner's statement of reasons for allowance:

Claim 2

The Board of Patent Appeals and Interferences has interpreted the Examiner description using Official Notice, which has been challenged by the appellant combined with DeLorme's use of electronic maps delineated to display a travel route between an origin and a destination via selected waypoints and also teaching a button used to pan/zoom in on the selected travel route by the user teaches nothing about the appellants' cursor used to select a beginning and end of a trip from a graphical user interface that displays a map of the area within which the travel will occur.

The closest prior art of record (DeLorme et al., Sehr, Iyengar et al., Smith et al., Official Notice and Malamud) does not teach or fairly suggest allowing a starting and ending area for travel to be selected by using a cursor moving element to place the cursor of the graphical user interface over said starting and ending area. More specifically, the prior art does not specifically teach or suggest, "a cursor used to select a beginning and end of a trip from a graphical user

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interface that displays a map of the area within which the travel will occur” (see page 11, BPAI decision).

Because the prior art does not teach or disclose the above features in the specific manner and combinations recited in independent claim 2, and as further interpreted by the Board of Patent Appeals and Interferences, claim 2, are hereby deemed to be allowable.

Originally numbered claims 3, 5 and 10 are dependent on originally numbered claim 2, and therefore incorporate the allowable features of originally numbered claim 2, through dependency.

Claims 8 and 12

The Board of Patent Appeals and Interferences has interpreted the Examiner description of Smith combined with DeLorme of showing icons for different areas and hyperlinks to travel agency site as teaches nothing about the Appellants’ user selecting a link on the hyperlink image for ‘a desire starting area for said travel’ and selecting a link on the hyperlink image for ‘a desire ending area for said travel’.

The closest prior art of record (DeLorme et al., Sehr, Iyengar et al., Smith et al., Official Notice and Malamud) does not teach or fairly suggest selecting both the starting area for travel and the ending area for travel from a hyperlinked image. More specifically, the prior art does not specifically teach or suggest the “user selecting a link on the hyperlink image for ‘a desire starting area for said travel’ and selecting a link on the hyperlink image for ‘a desire ending area for said travel’” (see pages 6-7, BPAI decision).

Because the prior art does not teach or disclose the above features in the specific manner and combinations recited in independent claims 8 and 12, and as further interpreted by the Board of Patent Appeals and Interferences, claims 8 and 12, are hereby deemed to be allowable.

Originally numbered claims 9, 11 and 13-18, respectively are dependent on originally numbered claims 8 and 12, and therefore incorporate the allowable features of originally numbered claims 8 and 12, through dependency.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

In related art (EP 0785537) Sato teaches a travel plan preparing device used for preparing a travel plan by accessing a database from a terminal.

In related art ("Finding free transportation-related stuff online>Freetrip.com") Johnson discusses AutoPilot trip planner at www.freetrip.com that creates a customized travel itinerary by selecting a starting point and ending point.

The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure as background material and is not of particular significance. These prior art patents fail to teach or fairly suggest a graphical travel system that includes graphical user interface,

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which displays a map of the image as a hyperlinked image using a cursor over part of the image that is selected.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert W. Morgan whose telephone number is (571) 272-6773. The examiner can normally be reached on 8:30 a.m. - 5:00 p.m. Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RWM

Robert Morgan
Patent Examiner
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JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER